IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 613 OF 2006

IN

FIRST APPEAL NO. 188 OF 2006

SMT. SUNANDA ALIAS URMILA U. KALANGUTKAR ....Applicant

Versus

SHRI SURENDRA RAMDAS NAIK AND 2 ORS., ...Respondents

Mr. Edwin De Monte Furtado, for the Applicant.

Coram:- J. N. PATEL, J.

Date:- 9th November, 2006

P.C.:

The learned counsel for the applicant states that the matter came to be dismissed in default for non-appearance of the Advocate for the Appellant on 7.8.06 and 21.8.06. It is submitted that the appeal came to be dismissed before any notice was issued to the respondents. Taking into consideration that the appeal was dismissed in default due to the fault on the part of the learned Advocate for the appellant, the appellant should not suffer. The learned Advocate appearing for the appellant tenders his apology for not appearing before the Court when the appeal was listed on the first date of hearing. So far as the second date is concerned, he states that he was not keeping well.

For the aforesaid reasons, the Order dated 21.8.06 dismissing the appeal is recalled. The appeal is restored to file.

By consent the appeal is taken up for admission. Heard. Admit.

J. N. PATEL, J.

sl.